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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,593	06/21/2001	Daniel E. Afar	G&C 129.18USD1	9040
36327	7590	06/08/2004	EXAMINER	
AGENSY C/O MORRISON & FOERSTER LLP 3811 VALLEY CENTRE DRIVE, SUITE 500 SAN DIEGO, CA 92130			NICKOL, GARY B	
			ART UNIT	PAPER NUMBER
			1642	

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Re: Afar *et al.*

Election/Restrictions

The amendment filed on 03/12/04 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they are now all drawn to a non-elected invention.

The originally elected Group (Group I, claim 72) was drawn to a method of modulating cells that express 19P1E8 comprising administering an altering composition whereby the composition alters the *status* of 19P1E8 or alters the status of a molecule that is modulated by 19P1E8. Applicants further traversed the restriction wherein the examiner agreed (see Non-Final rejection mailed 10/20/03) to also examine Group VI, claim 80, drawn to a method of treating a subject comprising administering to cells *in vivo* or *ex vivo* an altering composition whereby the composition alters the *status* of 19P1E8 or alters the status of a molecule that is modulated by 19P1E8, whereby cells that express 19P1E8 are modulated and the subject receives some treatment effect.

However, the newly amended claims are now drawn to methods of *inhibiting* 19P1E8 and or methods of treating a subject with a composition that inhibits 19P1E8 binding or inhibits expression of 19P1E8 wherein 19P1E8 encodes a protein having at least 90% sequence identity to SEQ ID NO:2 including wherein said inhibitors are monoclonal, polyclonal, chimeric, and humanized *antibodies*. The new claims are independent and or distinct from those claims

originally elected for the reasons set forth in the restriction mailed 05/14/03, and made final in the action mailed 10/20/03. For example, see non-elected Groups II and VII which appear to be related to the newly presented claims.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary B. Nickol Ph.D. whose telephone number is 571-272-0835. The examiner can normally be reached on M-Th, 8:30-5:30; alternate Fri., 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 571-272-0841. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Gary B. Nickol Ph.D.
Primary Examiner
Art Unit 1642

May 27, 2004



**GARY NICKOL
PRIMARY EXAMINER**